03-21-0 6   TFW   2174

TRANSMITTAL FORM

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Total Number of Pages in This Submission

Application Number	09/877,729
Filing Date	6|8|00 & 6|8|01
First Named Inventor	Franz A. Wakefield
Art Unit	2174
Examiner Name	Boris Pesin
Attorney Docket Number	8317 H

ENCLOSURES   *(Check all that apply)*

- [ ] Fee Transmittal Form
  - [ ] Fee Attached
- [X] Non-Fee & Amendment/Reply
  - [ ] After Final
  - [ ] Affidavits/declaration(s)
- [ ] Extension of Time Request
- [ ] Express Abandonment Request
- [ ] Information Disclosure Statement
- [ ] Certified Copy of Priority Document(s)
- [ ] Reply to Missing Parts/ Incomplete Application
  - [ ] Reply to Missing Parts under 37 CFR 1.52 or 1.53

- [X] Drawing(s)
- [ ] Licensing-related Papers
- [ ] Petition
- [ ] Petition to Convert to a Provisional Application
- [ ] Power of Attorney, Revocation Change of Correspondence Address
- [ ] Terminal Disclaimer
- [ ] Request for Refund
- [ ] CD, Number of CD(s) _____
  - [ ] Landscape Table on CD

- [ ] After Allowance Communication to TC
- [ ] Appeal Communication to Board of Appeals and Interferences
- [ ] Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
- [ ] Proprietary Information
- [ ] Status Letter
- [ ] Other Enclosure(s) (please Identify below):

Remarks

This Response is made pursuant to a NON-final action Mailed 12/28/05.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	COOLTVNetwork.com, Inc.
Signature	
Printed name	FRANZ A. Wakefield
Date	3/20/06	Reg. No.	Pro Se

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature	Express Mail #: EQ 660593568 US
Typed or printed name FRANZ A. Wakefield.	Date 3/20/06

In The United States Patent and Trademark Office

Appn. Serial Number:	09/877,729
Appn. Filed:	2001 Jun. 8
Prov. Filed:	2000 Jun. 8
Prov. Serial Number:	60/210,300
Applicant:	Franz A. Wakefield
Title:	Method And System For Creating, Using And Modifying Multifunctional Website Hotspots
Examiner/GAU:	Boris Pesin/2174

Miami, 2006 March 20, 2006

C L I C K V I D E O S H O P™

Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action Mailed 2005 December 28, and our telephonic communications/conferences, please see below.

Telephonic Communications: Interview Summaries

Date of Interview: **28 December 2005.**

Type: Telephonic

Exhibit Shown: No

Definite Claims discussed: **12.**

Identification of prior art discussed: **N/A.**

Agreement with respect to the claims: **N/A.**

Substance of Interview: Applicant "WAKEFIELD," & The Examiner, Mr. Boris Pesin discussed **the December 28, 2005 Non-final Action. I Applicant requested that The Examiner email a copy of the Non-Final Action. A brief discussion ensued regarding the 35 USC § 112 rejection.**

Date of Interview: **18 January 2006.**

Type: Telephonic

Exhibit Shown: No

Definite Claims discussed: **1 and 12.**

Identification of prior art discussed: **N/A.**

Agreement with respect to the claims: **N/A.**

Substance of Interview: Applicant "WAKEFIELD," and The Examiner, Boris Pesin discussed 35 USC § 112 rejection. "WAKEFIELD" pointed out that he believed that there was **substantial** evidence within and which formed the specification and the detailed description of the application; which supports "WAKEFIELD'S" assertion of hot spots residing in and being accessible from an audio digital file. "WAKEFIELD" continued to explain to The Examiner, that a visual representation of the audio digital file can represent products that form part of the particular song in a "trend" representation or display of the song, which would be dissected by a real-time visual representation of the song in chord segments as it progressed over time intervals. A **formal interview** was **set for 1/26/06 at 1:00 PM Eastern Standard.**

Date of Interview: <u>25 January 2006.</u>

Type: Telephonic

Exhibit Shown: No

Definite Claims discussed: <u>1 - 20.</u>

Identification of prior art discussed: <u>N/A.</u>

Agreement with respect to the claims: <u>N/A.</u>

<u>Substance of Interview</u>: Applicant "WAKEFIELD" and The Examiner, Boris Pesin discussed the 35 USC § 112 rejection. Applicant "WAKEFIELD" extracted sections directly from the patent application and the Affidavit filed on 7 January 2005 which supports and proves the plausibility of an apparatus wherein a said hot spot can reside in and be accessible from an audio digital file. The Examiner agreed with sufficiency of said examples Applicant "WAKEFIELD" presented.

Date of Interview: <u>31 January 2006.</u>

Type: Telephonic

Exhibit Shown: No

Definite Claims discussed: <u>1 - 20.</u>

Identification of prior art discussed: <u>N/A.</u>

Agreement with respect to the claims: <u>N/A.</u>

<u>Substance of Interview</u>: Applicant "WAKEFIELD," The Examiner, Boris Pesin and Senior Examiner Steve Sax, discussed claims 1 – 20. The telephonic communication contained discussion of how "WAKEFIELD'S" invention differs from the prior art. "WAKEFIELD" agreed to amend the claims in order to overcome the prior art and requested that The Examiners assist with said task. Consequently The Examiners assisted "WAKEFIELD" with writing independent claim one.

APPLICANT RESPONSE : To Detailed Office Action

This communication is responsive to a Detailed Office Action issued and filed by The Examiner Boris Pesin on 12/28/05. Claims 1 – 20 are pending in this application. Claims 1, 8, and 20 are independent claims. Within this Response Applicant "WAKEFIELD" has AMENDED Claims 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16, 17, 18, and 20. Claims 10 and 19 are ORIGINAL.

Applicant "WAKEFIELD" relies on his 7 January 2005 AFFIDAVIT and its' EXHIBITS to support __ALL__ claims (See. "Clean Version" Listing Below), and the application: "Method And System For Creating, Using And Modifying Multifunctional Website Hotspots;" including said asserted dates of conception, diligence, and reduction to practice—both actual and constructive.

APPLICANT RESPONSE : Claim Objections

__"WAKEFIELD," States As A Simple Explanation To Said Objection__: As Claim 18 is a dependent claim the term "overwriting" as used in Claim 18 is appropriate because it relates directly to giving the user the ability to overwrite the __one__ said parameter as it relates to Claim 16, 17, and 18. The specification discusses "overriding" as it relates to terminating __a particular function__ of the software, which is __a set of parameters__. It should be understood that modes can be programmed to respond in automatic sequence and that the user can be in more than one mode at a time. Thus, the opportunity to alter sequence functionality is given to the user (i.e. a mode can be changed and replaced, or terminated in a user selected sequence of modes, or the entire sequence of modes---__a function__; can be terminated.)

For example, the specification states "Time stamps may be placed in the video or audio file or a corresponding routine for monitoring and communicating with the video and hot spot function for activating and deactivating functions based on the progress of the video or audio file in relation to the time stamps. __User inputs__ in the menu bar 93 __may override predetermined functions__ __and/or__ __time stamps__." *(emphasis added)*

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APPLICANT RESPONSE : Affidavit Section

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The Examiner states that "after careful review of the Affidavit, [that he] cannot locate any support for the following limitations:

[Reference 1:]

'An apparatus wherein said at least one predetermined parameter comprises the reaching of a predetermined segment of a digital media file.'

[Reference 2:]

'An apparatus comprising a means for overwriting said parameters when a user selects at least one of said plurality of predetermined functions.' "

- **APPLICANT RESPONSE**

Applicant "WAKEFIELD" provides direct excerpts from his 7 January 2005, AFFIDAVIT and EVIDENCE, which supports and proves plausibility of Reference 1 and Reference 2 itemized above.

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EXCERPTS PROVING----------Reference 1.

</div>

- **Page 5**

    " 2. The schematics involved animation schemes (the pictures moved) depending on the process state."

- **Page 12**

    "Behavior of Display Objects---The color, blinking, and intensity of objects in the display can be controlled, based on the value of the process variable. This allows abnormal conditions in the process to be represented by a corresponding change in a graphic display. For example, a blinking red pump might represent an alarm on that piece of equipment."

- **Pages 17 and 18**

    "Maximizing system network control by depicting motion and color change of critical plant equipment, (i.e. animated objects based on field data, such as the animation of rotors in tanks, or seats in reactors changing position; this is and was different from the usual "blink" graphic representation, which only exemplified 1 or 0 data in a visual format) SEE Tab11(APP9 & REC1 pg. 6 :

2 of 26"Box Summary"); SEE TDC3000x Tab(APP5 & REC1 pg. 2: para. 2 and pg. 5: column 2 para. 2) processes (i.e. tanks filling) and equipment parts changing position, through programming The TDC 3000 to depict these more ergonomic and hazard prevention visual effects for operators by processing raw field data & then displaying it through an interactive touch-screen graphical schematic, improved operator efficiency in critical production periods (operators usually work 12 hour shifts).

ALSO

See. APP2 & REC4 page 1, item 2, ¶ 2 See. APP16 & REC4 page 3, page 6,

| EXCERPTS PROVING-----------Reference 2. |

- **Page 8**

  " Control Language programs allow the process engineer to <u>define custom-control</u> action in an Application Module (CL/AM), to <u>define sequence programs</u> for a Process Manager (CL/PM), Advanced Process Manager (CL/APM), High Performance Process Manager (CL/HPM), and Multifunction Controller (CL/MC), and to <u>define custom data segments</u> for the Application and Computing Modules."

- **Page 10**

  ---<u>Since Display can have and be a hotspot or target</u>

  "Universal Station Specification and Technical Data...

  Perhaps the most powerful of all operating displays are the Custom Graphic Displays [], which are designed by the user and, therefore, can be based on concepts and practices that are unique to the user's plant. They can contain graphic, textual, behavioral, and trend information and represent a whole area, a unit, or single point. Graphics can be linked to many of the standard process displays and can themselves have targets that allow cursor selection of other graphics or standard displays. They can be used to make changes in process parameters, they can be used for control, and alarms can be displayed in a variety of ways.... the total number of Graphic Displays that are available to the operator can be virtually unlimited."

- **Page 10 and 11**

  "Graphic displays can be built so that the operator can monitor and manipulate the process directly from them. Both continuous and discontinuous processes can be managed from graphic displays. Basically, any data point parameter or sequence can be monitored and manipulated from any graphic display. Graphic behaviors such as blinking, color changes, bar graphs, appearance of subpictures, and numeric values can be controlled by parameters of data points. Additionally, process alarms can be acknowledged from graphic displays. The ability to bring another live display into a designated area within an existing graphic display is another convenient feature available for use on graphic displays..."

  "**TDC 3000x System Displays**

  The system displays show the assignments and status of the
  modules on the LCN and the process-connected devices on the UCNs and Data Hiways and provide the means to define and change assignments or change the status. The System Status Display [] is called up by pressing the SYST STATS key."

- **Page 13**

  "**Interactive Displays**---The touch-target capability of the Universal Station allows the process engineer to create pushbutton keys by drawing them as touch targets on a display. These serve as function keys that call up related displays and allow changes to process variables..."

  ```
  EXCERPTS PROVING----------------Reference 1 and Reference 2.
  ```

- **Pages 14 – 16**

  "3. The proof of concept was written in the Java programming language. The proof of concept conveyed the experience of illuminated "hot spots" by compositing pastel-colored polygons onto a video during playback at a specified time for a specified interval, as shown below:

```
public class HotSpot extends TimerTask
    {
    Movie                    movie;
    boolean                  isActive = false;
    boolean                  isVisible = false;
    Rectangle                rect;
    int                      start = 0, duration = 0;
```

```
java.util.Timer            startTimer = new java.util.Timer();
java.util.Timer            endTimer = new java.util.Timer();
TwoDSprite                 hotSpot;
Compositor                 compositor;


HotSpot( Movie m, Rectangle r, int s, int d, Compositor c ) throws Exception
{
super();
movie = m;
rect = r;
start = s;
duration = d;
compositor = c;

File img = QTFactory.findAbsolutePath ("box.tif");

GraphicsImporterDrawer gid = new GraphicsImporterDrawer (new QTFile(img));

QDRect rect = new QDRect (
        gid.getDescription().getWidth(),
        gid.getDescription().getHeight());

ImageSpec imageSpec = ImageUtil.makeTransparent (
        gid,
        QDColor.blue,
        new QDGraphics (QDGraphics.kDefaultPixelFormat, rect));

    Matrix matrix3 = new Matrix();
matrix3.setTx(r.x);
matrix3.setTy(r.y);

hotSpot = new TwoDSprite(
        imageSpec,
        matrix3,
        true,
        8,
        new GraphicsMode (QDConstants.blend, QDColor.cyan));
}

public void activate()
{
startTimer.schedule( (TimerTask)this, start, 10 );
}

public void run()
```

```
{
try

{
        TimeRecord          tr;
float          currentTime = 0;

isActive = true;

if ( !isVisible )
{
        setVisible( true );
}

        tr = movie.getTRTime();

currentTime = ((float)movie.getTime() / (float)tr.getScale()) * 1000;

        if ((float)currentTime >= start + duration )
{
        isActive = false;
                setVisible( false );

                startTimer.cancel();
}
}
catch (Exception e)
{
}
}
public void setVisible( boolean setVisible ) throws Exception
{
if ( setVisible )
        compositor.addMember(hotSpot,1);
else
        compositor.removeMember(hotSpot);

isVisible = setVisible;
}
}
```

4. The proof of concept could perform actions based on the user's action. For example, clicking a "hot spot" could launch a web browser with a predefined URL.

5. The proof of concept demonstrated that this functionality could be extended to format the URL or perform another action based on the invocation context (single click, double click, right click, etc.). As a result, the "hot spot" appeared as "multifunctional" to the user.